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7 **IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON**  
8 **COUNTY OF YAKIMA**

9 KING MOUNTAIN TOBACCO COMPANY,  
10 INC.,

11 Plaintiff,

12 v.

13 KAMIAKIN WHEELER, KANIM JAMES, and  
14 LONE WARRIOR HOLDINGS, INC.,

15 Defendants;

16 KAMIAKIN WHEELER and KANIM JAMES,

17 Third-Party Plaintiffs,

18 v.  
19

20 TRINA WHEELER, an individual; YANCEY  
21 BLACK, an individual; TERRYANNA  
22 WHEELER, an individual; and TRUMAN JAY  
23 THOMPSON, an individual;

24 Third-Party Defendant.

25 TO: Defendant Lone Warrior Holdings, Inc.  
26

NO. 19-2-04309-39

**PLAINTIFF'S FIRST SET OF  
INTERROGATORIES AND  
REQUESTS FOR PRODUCTION  
OF DOCUMENTS TO  
DEFENDANT LONE WARRIOR**

***AND RESPONSES THERETO***

1 AND TO: Sean Small, Mario A. Bianchi, and Paul J. Spadafora, Attorneys for  
2 Defendants

3 Plaintiff King Mountain Tobacco Company, Inc. hereby submits to Defendant Lone Warrior  
4 Holdings, Inc. the following First Set of Interrogatories and Requests for Production of Documents.  
5

6 **GENERAL RESPONSES AND OBJECTIONS**

7 The following objections apply generally to all of claimant's discovery requests:  
8

9 (1) Lone Warrior objects to all discovery requests to the extent they are  
10 ambiguous.

11 (2) Lone Warrior objects to all discovery requests to the extent they  
12 request admissions or information or documents or things that are confidential.  
13

14 (3) Lone Warrior objects to all discovery requests to the extent they  
15 request admissions or information or documents which are cumulative.

16 (4) Lone Warrior objects to all discovery requests to the extent they  
17 request admissions or information or documents which are irrelevant.  
18

19 (5) Lone Warrior objects to all discovery requests to the extent they  
20 request admissions or information or documents which are legal conclusions.

21 (6) Lone Warrior objects to all discovery requests to the extent they  
22 request admissions or information or documents which are major facts.  
23

24 (7) Lone Warrior objects to all discovery requests to the extent they  
25 request admissions or information or documents which are otherwise obtainable.  
26

1 (8) Lone Warrior objects to all discovery requests to the extent they  
2 request admissions or information or documents which are overly broad and burdensome.

3 (9) Lone Warrior objects to all discovery requests to the extent they  
4 request admissions or information or documents which are privileged.

5 (10) Lone Warrior objects to all discovery requests to the extent they  
6 request admissions or information or documents which are publicly available.

7 (11) Lone Warrior objects to all discovery requests to the extent they  
8 request admissions or information or documents which are state of mind.

9 (12) Lone Warrior objects to all discovery requests to the extent they  
10 request admissions or information or documents which are undefined.

11 (13) Lone Warrior objects to all discovery requests to the extent they  
12 request admissions or information or documents which are unavailable.

13 (14) Lone Warrior objects to all discovery requests to the extent they are  
14 inconsistent with or purport to require any action not required by the Superior Court Civil  
15 Rules or the King County Local Rules (collectively the "Rules"). Without limited the  
16 generality of this objection, Lone Warrior objects to all discovery requests to the extent that  
17 they (a) go beyond the scope of discovery permitted by the Rules and/or (b) purport to  
18 impose a duty of supplementation greater than that imposed by the Rules.  
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1 (15) Nothing set forth in Lone Warrior's general objections, specific  
2 objections, answers or responses to any discovery requests is intended as or should be  
3 construed as a waiver of these general objections or to any specific objections.  
4

5 (16) Certain of the information or documents or things within the scope of  
6 any of the discovery requests may be considered to be confidential and will be produced  
7 only in redacted form or upon execution and entry of a Stipulated Protective Order in form  
8 acceptable to the Lone Warrior.  
9

10 (17) Lone Warrior reserves the right to move later for a protective order or  
11 otherwise seek relief from the Court if the parties are unable to resolve Lone Warrior's  
12 objections by agreement.  
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**I. INTERROGATORIES**

1. Identify the persons with substantive knowledge regarding the facts and circumstances of the Complaint, your Answer, and the Counterclaims; for each such person, provide a summary of the knowledge they have.

ANSWER:

**Objection. This interrogatory is overly broad and unduly burdensome. Defendants have attempted to answer this interrogatory in good faith but cannot be reasonably expected to identify all persons who may have knowledge of this matter. Furthermore, Defendants do not have personal knowledge of others' knowledge. Notwithstanding the foregoing objections or any of the general objections above, the following likely have knowledge of the facts, circumstances related to the Complaint, Answer, and Counterclaims:**

- **King Mountain Tobacco Company ("KMT")**
- **Lone Warrior Holdings, Inc. ("LWH")**
- **Kamiakin Wheeler ("KW")**
- **Kanim James ("KJ")**
- **Gretchen Cox**
- **Kai Gachupin**
- **Tiburcio Rodriguez**
- **Katie Fiander**
- **Trina Ann Wheeler ("TAW")**

- Terryanna Wheeler (“TW”)
- Jacobs Tobacco Co. (“JTC”)
- Diamond Mountain Manufacturing, LLC (“DMM”)
- U.S. Patent and Trademark Office (“USPTO”)
- Truman Jay Thompson (“JT”)
- Global Ventures, Inc. (“GVI”)
- Gordon Boyd
- Mark Boyd
- Yancey Black (“Yancey”)
- Tim Carlson (“TC”)
- Irwin Schwartz (in his capacity as administrator for estate)
- Dolph Barnhouse
- John Hyink
- Jaime Aburto

2. Identify the persons who are employed by Defendants.

ANSWER:

- Kamiakin Wheeler
- Kanim James
- Kai Gachupin
- Tiburcio Rodriguez

- Katie Fiander
- Benjamin Tucker
- Dan Robb-Bryan

3. Identify the persons who have consulted or otherwise provided services to Defendants relating to any business involving Tobacco Products.

ANSWER:

**Objection, overbroad & vague; not reasonably calculated to lead to the discovery of admissible evidence. This interrogatory cannot be answered as stated. In non-exclusive example, “service” is undefined, and “relating to any business involving Tobacco Products” is broader than the Tobacco Products at issue in this case. Defendants are unable to meaningfully answer this interrogatory absent further clarification from Plaintiff.**

**Notwithstanding the foregoing objections, and without waiver of same: Defendant is not aware of any parties it consulted with.**

4. Identify the banks and/or financial institutions where Defendants do any business, including the applicable account numbers.

ANSWER:

1           **Objection, overbroad, not reasonably calculated to lead to the discovery of admissible**  
2 **evidence, unduly burdensome, harassing. This constitutes a premature attempt to engage in**  
3 **collections activities before Plaintiff has obtained a judgment.**  
4

5  
6           5.       Identify the institutions from which Defendants have been issued credit cards; for  
7 each such institution, provide the credit card number.  
8

9           ANSWER:

10           **Objection, overbroad, not reasonably calculated to lead to the discovery of admissible**  
11 **evidence, unduly burdensome, harassing. This constitutes a premature attempt to engage in**  
12 **collections activities before Plaintiff has obtained a judgment.**  
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16           6.       Identify the entities Defendants do business with relating to Defendants' Tobacco  
17 Products Business.  
18

19           ANSWER:

20           **Objection, overbroad & vague; not reasonably calculated to lead to the discovery of**  
21 **admissible evidence. In non-exclusive example, “relating to Defendants’ Tobacco Products**  
22 **Business” is broader than the Tobacco Products at issue in this case. Defendants further object**  
23 **that the definition of “Tobacco Products Business” is inherently overbroad.**  
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1           **Notwithstanding the foregoing objections, and without waiver of same: Jacobs Tobacco**  
2 **Company.**  
3  
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5

6           7.     Identify the shipping companies used by Defendants in its Tobacco Products  
7 Business.  
8

9           ANSWER:

10           **Objection, overbroad & vague; not reasonably calculated to lead to the discovery of**  
11 **admissible evidence. In non-exclusive example, “relating to Defendants’ Tobacco Products**  
12 **Business” is broader than the Tobacco Products at issue in this case. Defendants further object**  
13 **that the definition of “Tobacco Products Business” is inherently overbroad.**  
14

15           **Notwithstanding the foregoing objections, and without waiver of same: Yakima Valley**  
16 **Transportation, LLC**  
17  
18

19           8.     Identify the entities that provide the blend used in Defendants’ Tobacco Product  
20 Business.  
21

22           ANSWER:

23           **Objection, Plaintiffs may not use this litigation as a guise to obtain confidential and**  
24 **proprietary information which could be used by KMT to obtain an unfair competitive**  
25 **advantage against LWH. This interrogatory is overbroad & vague; not reasonably calculated**  
26

1 to lead to the discovery of admissible evidence. Defendants further object that the definition  
2 of “Tobacco Products Business” is inherently overbroad.

3  
4 Notwithstanding the foregoing objections, and without waiver of same: There were no  
5 entities that provided a blend used by Defendant during the time that Kamiakin and Kanim  
6 were employees of KMT

7  
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9 9. Identify the locations where Tobacco Products with the “Rainier” mark are being  
10 sold; for each such location, provide the applicable contact information (person, address, phone  
11 number, etc.).

12 ANSWER:

13  
14 Objection, Plaintiffs may not use this litigation as a guise to obtain confidential and  
15 proprietary information which could be used by KMT to obtain an unfair competitive  
16 advantage against LWH. This interrogatory is overbroad & vague; not reasonably calculated  
17 to lead to the discovery of admissible evidence. Defendants further object that the definition  
18 of “Tobacco Products Business” is inherently overbroad.

19  
20 Notwithstanding the foregoing objections, and without waiver of same: Nations  
21 Trading is the distributor of products that utilize the Rainier mark. Any such products are  
22 only currently sold on reservations located within the State of New York. Jacobs Tobacco sells  
23 to Nations Trading and Nations Trading distributes the product. Defendant does not have full  
24 access to all retail locations that currently sell the product.  
25  
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4 10. Identify the locations where Tobacco Products with the “Yakama” mark are being  
5 sold; for each such location, provide the applicable contact information (person, address, phone  
6 number, etc.).

7 ANSWER:

8  
9 **Objection, Plaintiffs may not use this litigation as a guise to obtain confidential and**  
10 **proprietary information which could be used by KMT to obtain an unfair competitive**  
11 **advantage against LWH. This interrogatory is overbroad & vague; not reasonably calculated**  
12 **to lead to the discovery of admissible evidence. Defendants further object that the definition**  
13 **of “Tobacco Products Business” is inherently overbroad.**

14  
15 **Notwithstanding the foregoing objections, and without waiver of same: Defendant is**  
16 **not currently selling any products with the “Yakama” mark.**

17  
18  
19  
20 11. Identify the locations where Tobacco Products with the “Chieftan” mark are being  
21 sold; for each such location, provide the applicable contact information (person, address, phone  
22 number, etc.).

23  
24 ANSWER:

1           **Objection, Plaintiffs may not use this litigation as a guise to obtain confidential and**  
2 **proprietary information which could be used by KMT to obtain an unfair competitive**  
3 **advantage against LWH. This interrogatory is overbroad & vague; not reasonably calculated**  
4 **to lead to the discovery of admissible evidence. Defendants further object that the definition**  
5 **of “Tobacco Products Business” is inherently overbroad.**

7           **Notwithstanding the foregoing objections, and without waiver of same: Defendant is**  
8 **not currently selling any products with the “Chieftain” mark.**

11           12.     State the factual basis for your Ninth Affirmative Defense.

12           ANSWER:

13           **Defendants object that this request constitutes an impermissible attempt to require**  
14 **Defendants to “put on a dress rehearsal of the trial,” and an improper request to Defendant to**  
15 **“state evidence upon which he intends to rely to prove any fact or facts.” *See Weber v. Biddle,***  
16 **72 Wn.2d 22, 29 (1967).**

17           **Defendants further object to this request for production as premature contention**  
18 **interrogatory. Contention discovery is properly reserved for use towards the end of the**  
19 **discovery period, and discovery into the issues presented in Plaintiff’s complaint is ongoing.**  
20 ***See In re Convergent Technologies Securities Litigation*, 108 F.R.D. 328, *passim* (N.D. Cal. Oct.**  
21 **28, 1985).**

1           Defendants further object that the factual basis for this affirmative defense is based  
2 primarily on records in the custody and control of Plaintiff and third parties, such as Global  
3 Ventures. Notwithstanding the foregoing objections, and without waiver of same: see  
4 documents produced herewith. Discovery is ongoing and continuous. This answer will be  
5 supplemented as necessary.  
6

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10           13. State the factual basis for your Tenth Affirmative Defense.

11           ANSWER:

12           Defendants object that this request constitutes an impermissible attempt to require  
13 Defendants to “put on a dress rehearsal of the trial,” and an improper request to Defendant to  
14 “state evidence upon which he intends to rely to prove any fact or facts.” *See Weber v. Biddle*,  
15 72 Wn.2d 22, 29 (1967).  
16

17           Defendants further object to this request for production as premature contention  
18 interrogatory. Contention discovery is properly reserved for use towards the end of the  
19 discovery period, and discovery into the issues presented in Plaintiff’s complaint is ongoing.  
20 *See In re Convergent Technologies Securities Litigation*, 108 F.R.D. 328, *passim* (N.D. Cal. Oct.  
21 28, 1985).  
22

23           Defendants further object that the factual basis for this affirmative defense is based  
24 primarily on records in the custody and control of Plaintiff and third parties, such as Global  
25  
26

1 **Ventures. Notwithstanding the foregoing objections, and without waiver of same: see**  
2 **documents produced herewith. Discovery is ongoing and continuous. This answer will be**  
3 **supplemented as necessary.**  
4

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7 14. Identify all experts witnesses you intend to use at trial, along with a list of those  
8 documents that you have provided to this expert and/or that the expert has considered and/or relied  
9 upon in his/her analysis of the issues in this dispute.  
10

11 ANSWER:

12 **Defendants have yet to retain an expert. Discovery is ongoing and continuous. This**  
13 **answer will be supplemented as necessary.**  
14

15  
16 15. Please describe the amounts and the bases thereof for all damages that you claim for  
17 each of the causes of actions/claims you assert against Plaintiff  
18

19 ANSWER:

20 **See Counterclaims, Crossclaims, and attached records. Defendant LWH has not sought**  
21 **damages against Plaintiff at this time. Discovery is ongoing and continuous. This answer will**  
22 **be supplemented as necessary.**  
23  
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**REQUESTS FOR PRODUCTION**

1  
2 1. Please produce all documents Defendants rely upon to support any of their claims or  
3 defenses in this litigation.  
4

5 RESPONSE:

6 **Objection, overbroad, unduly burdensome. Defendants further object that this request**  
7 **constitutes an impermissible attempt to require Defendants to “put on a dress rehearsal of the**  
8 **trial,” and an improper request to Defendant to “state evidence upon which he intends to rely**  
9 **to prove any fact or facts.”** *See Weber v. Biddle*, 72 Wn.2d 22, 29 (1967).  
10

11 **Defendants further object to this request for production as premature contention**  
12 **discovery request. Contention discovery is properly reserved for use towards the end of the**  
13 **discovery period, and discovery into the issues presented in Plaintiff’s complaint is ongoing.**  
14 ***See In re Convergent Technologies Securities Litigation*, 108 F.R.D. 328, *passim* (N.D. Cal. Oct.**  
15 **28, 1985).**  
16

17 **Notwithstanding the foregoing objections, and without waiver of same: see attached**  
18 **documents. As discovery is still ongoing, Defendant reserves the right to supplement this**  
19 **answer as necessary.**  
20  
21  
22  
23

24 2. Please produce all documents related to any of your affirmative defenses.

25 RESPONSE:  
26

1           **Objection, overbroad, unduly burdensome. Defendants further object that this request**  
2 **constitutes an impermissible attempt to require Defendants to “put on a dress rehearsal of the**  
3 **trial,” and an improper request to Defendant to “state evidence upon which he intends to rely**  
4 **to prove any fact or facts.”** *See Weber v. Biddle*, 72 Wn.2d 22, 29 (1967).

5  
6           **Defendants further object to this request for production as premature contention**  
7 **discovery request. Contention discovery is properly reserved for use towards the end of the**  
8 **discovery period, and discovery into the issues presented in Plaintiff’s complaint is ongoing.**  
9 ***See In re Convergent Technologies Securities Litigation*, 108 F.R.D. 328, *passim* (N.D. Cal. Oct.**  
10 **28, 1985).**

11  
12           **Notwithstanding the foregoing objections, and without waiver of same: see attached**  
13 **documents. As discovery is still ongoing, Defendant reserves the right to supplement this**  
14 **answer as necessary.**

15  
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19           3.       Please produce Defendants’ bank and financial institution records.

20       **RESPONSE:**

21           **Objection, overbroad, not reasonably calculated to lead to the discovery of admissible**  
22 **evidence, unduly burdensome, harassing. This constitutes a premature attempt to engage in**  
23 **collections activities before Plaintiff has obtained a judgment.**  
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1           4.       Please produce Defendants' credit card statements.

2           RESPONSE:

3           **Objection, overbroad, not reasonably calculated to lead to the discovery of admissible**  
4 **evidence, unduly burdensome, harassing. This constitutes a premature attempt to engage in**  
5 **collections activities before Plaintiff has obtained a judgment.**  
6

7  
8           5.       Please produce Lone Warrior's Articles of Incorporation, Bylaws, Board Resolutions,  
9 and other Corporate Records (not to include any public filings made with the State of Washington).  
10

11          RESPONSE:

12          **See Attached.**  
13  
14

15          6.       Please produce Lone Warrior's books and records, including but not limited to its  
16 financial statements, profit and loss statements, and other similar financial documents.  
17

18          RESPONSE:

19          **Objection, overbroad, not reasonably calculated to lead to the discovery of admissible**  
20 **evidence, unduly burdensome, harassing. This constitutes a premature attempt to engage in**  
21 **collections activities before Plaintiff has obtained a judgment. To the extent that Plaintiff is**  
22 **seeking records that are unrelated to the claims asserted in the Complaint, have no relation to**  
23 **the time-period specified by Plaintiff, and go beyond the scope of discovery, no such records**  
24 **will be produced.**  
25  
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1           **Notwithstanding the foregoing objections, and without waiver of same: see attached.**

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3  
4           7.       Please produce all documents filed with or provided to the Tax and Trade Bureau  
5 (“TTB”) relating to Defendants’ Tobacco Products Business.

6  
7           RESPONSE:

8           **Objection, vague, overbroad. The definition of “Tobacco Products Business” is**  
9 **inherently vague and overbroad.**

10           **Notwithstanding the foregoing objection, Defendants did not file documents with or**  
11 **provide documents to the TTB.**

12  
13  
14           8.       Please produce Defendants’ Contracts and non-privileged draft Contracts between  
15 and any of: (i) SIRCO, Diamond Mountain Manufacturing LLC, or Diamond Mountain Distributing,  
16 (including any Affiliated Person of these persons), (ii) Jacobs (including any Affiliated Person  
17 thereof; and (iii) ERW (including any Affiliated Person).

18  
19           RESPONSE:

20  
21           **Objection, overbroad, unduly burdensome, harassing. Defendants are not subject to a**  
22 **noncompetition restriction, and nothing in Plaintiff’s allegations precludes Defendants from**  
23 **engaging in a competitive business. Plaintiffs may not use this litigation as a guise to obtain**  
24 **confidential and proprietary information which could be used by KMT to obtain an unfair**  
25 **competitive advantage against LWH. To the extent that Plaintiff is seeking records that are**  
26

1 unrelated to the claims asserted in the Complaint, have no relation to the time-period specified  
2 by Plaintiff, and go beyond the scope of discovery, no such records will be produced. To the  
3 extent such information may be produced, it is subject to the confidential designation under  
4 the current stipulated protective order, and may require Attorney's Eyes Only Designation.  
5

6 **Notwithstanding the foregoing objections, and without waiver of same: see attached.**  
7  
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11 9. Please produce Defendants' communications with ERW (including any Affiliated  
12 Person) related to a cigarette machine (*see, e.g.*, YVT001-008), Tobacco Products, Tobacco Products  
13 Business, or this dispute.  
14

15 **RESPONSE:**  
16

17 **Objection, vague, overbroad, not reasonably calculated to lead to the discovery of**  
18 **admissible evidence. The definition of "Tobacco Products Business" is inherently overbroad.**  
19 **Further, any such documents are in the custody/control of another party or nonparty, such as**  
20 **Global Ventures, or Plaintiff itself. Finally, such information may be subject to the confidential**  
21 **designation under the current stipulated protective order, and may require Attorney's Eyes**  
22 **Only Designation.**  
23

24 **Notwithstanding the foregoing objections, and without waiver of same: see attached.**  
25  
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1  
2 10. Please produce Defendants' communications with Jacobs relating to Tobacco  
3 Products, Tobacco Products Business, or this dispute.  
4

5 RESPONSE:

6 **Objection, vague, overbroad. To the extent that Plaintiff is seeking records that are**  
7 **unrelated to the claims asserted in the Complaint, have no relation to the time-period specified**  
8 **by Plaintiff, and go beyond the scope of discovery, no such records will be produced. The**  
9 **definition of "Tobacco Products Business" is inherently overbroad. Further, any such**  
10 **documents are in the custody/control of another party or nonparty, such as Plaintiff itself.**  
11

12 **Notwithstanding the foregoing objections, and without waiver of same: see attached.**  
13  
14  
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16 11. Please produce Defendants' communications with Frank Bayger relating to Tobacco  
17 Products, Tobacco Products Business, or this dispute.  
18

19 RESPONSE:

20 **Objection, vague, overbroad. The definition of "Tobacco Products Business" is**  
21 **inherently overbroad.**  
22

23 **Notwithstanding the foregoing objections, and without waiver of same: see attached.**  
24  
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1  
2 12. Please produce Defendants' communications with SIRCO, Diamond Mountain  
3 Manufacturing, or Diamond Mountain Distributing (including any Affiliated Person of these entities)  
4 relating to Lone Warrior, King Mountain, Tobacco Products, or the Tobacco Products Business.  
5

6 RESPONSE:

7 **Objection, vague, overbroad. The definition of "Tobacco Products Business" is**  
8 **inherently overbroad.**  
9

10 **Notwithstanding the foregoing objections, and without waiver of same: see attached.**  
11  
12  
13

14 13. Please produce Defendants' Contracts relating to the licensing of any Tobacco  
15 Product, including Defendants' Contracts relating to the licensing of any trademarks owned by  
16 Defendants.  
17

18 RESPONSE:

19 **Objection, overbroad, not reasonably calculated to lead to the discovery of admissible**  
20 **evidence, harassing. To the extent that Plaintiff is seeking records that are unrelated to the**  
21 **claims asserted in the Complaint, have no relation to the time-period specified by Plaintiff, and**  
22 **go beyond the scope of discovery, no such records will be produced. Further, such information**  
23 **may be subject to the confidential designation under the current stipulated protective order,**  
24 **and may require Attorney's Eyes Only Designation.**  
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1           **Notwithstanding the foregoing objections, and without waiver of same: see attached.**

2  
3           14.     Please produce Defendants' Contracts for any consulting related to Tobacco Products  
4 or the Tobacco Products Business.

5  
6           RESPONSE:

7           **Objection, overbroad, not reasonably calculated to lead to the discovery of admissible**  
8 **evidence, harassing. To the extent that Plaintiff is seeking records that are unrelated to the**  
9 **claims asserted in the Complaint, have no relation to the time-period specified by Plaintiff, and**  
10 **go beyond the scope of discovery, no such records will be produced. Further, such information**  
11 **may be subject to the confidential designation under the current stipulated protective order,**  
12 **and may require Attorney's Eyes Only Designation.**

13  
14  
15           **Notwithstanding the foregoing objections, and without waiver of same: attached.**

16  
17           15.     Please produce Defendants' Contracts relating to the manufacturing of any Tobacco  
18 Product.

19  
20           RESPONSE:

21           **Objection, overbroad, unduly burdensome, not reasonably calculated to lead to the**  
22 **discovery of admissible evidence. Defendants are not subject to a noncompetition restriction,**  
23 **and nothing in Plaintiff's allegations precludes Defendants from engaging in a competitive**  
24 **business. Plaintiffs may not use this litigation as a guise to obtain customer lists and other**  
25  
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1 confidential information. To the extent that Plaintiff is seeking records that are unrelated to  
2 the claims asserted in the Complaint, have no relation to the time-period specified by Plaintiff,  
3 and go beyond the scope of discovery, no such records will be produced. To the extent such  
4 information may be produced, it is subject to the confidential designation under the current  
5 stipulated protective order, and may require Attorney's Eyes Only Designation.  
6

7 Notwithstanding the foregoing objections, and without waiver of same: see attached.  
8  
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11 16. Please produce Contracts (other than the employment contracts for Wheeler and  
12 James attached as Exhibit 1 to the Complaint) relating to King Mountain.  
13

14 RESPONSE:

15 Objection, vague. In addition, such documents are likely in the custody/control of  
16 Plaintiff itself.  
17

18 Notwithstanding the foregoing objections, and without waiver of same: see attached.  
19  
20

21 17. Please produce Defendants' travel records relating to the Tobacco Product Business.  
22

23 RESPONSE:

24 Objection, overly broad, unduly burdensome, not reasonably calculated to lead to the  
25 discovery of admissible evidence, and harassing. In addition, the definition of "Tobacco  
26 Products Business" is inherently overbroad and potentially captures aspects of Defendants'

1 business unrelated to this lawsuit. To the extent that Plaintiff is seeking records that are  
2 unrelated to the claims asserted in the Complaint, have no relation to the time-period specified  
3 by Plaintiff, and go beyond the scope of discovery, no such records will be produced. To the  
4 extent such information may be produced, it is subject to the confidential designation under  
5 the current stipulated protective order, and may require Attorney's Eyes Only Designation.  
6

7 Notwithstanding the foregoing objections, and without waiver of same: see attached.  
8  
9

10 18. Please produce those documents evidencing any employment, consulting  
11 relationship, or similar affiliation between (i) Defendants and any of (ii) Gretchen Cox, Kai  
12 Gachupin, Tiburcio Rodriguez, or Katie Fiander.  
13

14 RESPONSE:

15 See attached.  
16  
17

18 19. Please produce those documents (including task orders, invoices, and records of  
19 payments) evidencing any payments relating to Gretchen Cox or Kai Gachupin.  
20

21 RESPONSE:

22 Objection, overbroad, not reasonably calculated to lead to the discovery of admissible  
23 evidence.  
24

25 Notwithstanding the foregoing objections, and without waiver of same: see attached.  
26



1  
2 20. Please produce Defendants' communications with Gretchen Cox, Kai Gachupin, or  
3 Yakima Valley Transportation LLC (including Antonio Serrano) relating to this dispute, including  
4 telephone records of same.  
5

6 RESPONSE:

7 **Objection, overbroad, unduly burdensome, and not reasonably calculated to lead to the**  
8 **discovery of admissible evidence. The phrase "relating to this dispute" is unclear, undefined,**  
9 **and overly broad.**  
10

11 **Notwithstanding the foregoing objections, and without waiver of same: see attached.**  
12

13  
14 21. Please produce Defendants' communications with Tiburcio Rodriguez and Katie  
15 Fiander, from August 20, 2018 until they were hired or otherwise affiliated with Defendants.  
16

17 RESPONSE:

18 **Objection, vague, overbroad. "otherwise affiliated with" is vague and admits of**  
19 **multiple definitions. Without further guidance from Plaintiffs as to the meaning of this term,**  
20 **it will be disregarded.**  
21

22 **Notwithstanding the foregoing objections, and without waiver of same: see attached.**  
23  
24

25 22. Please produce those documents relating to all work done by Mario Delgado on behalf  
26

1 of Lone Warrior.

2 RESPONSE:

3 **See attached.**

4  
5  
6 23. Please produce those documents prior to September 8, 2018, regarding all work done  
7 by Tiburcio Rodriguez on behalf of Lone Warrior.

8 RESPONSE:

9 **See attached.**

10  
11  
12 24. Please produce Lone Warrior's retainer agreements with Barnhouse Keegan Solimon  
13 & West.

14 RESPONSE:

15 **Objection. This request invades the attorney-client privilege.**

16  
17  
18  
19 25. Please produce Defendants' communications with Global Ventures from July 24,  
20 2018 until the present.

21 RESPONSE:

22 **See attached.**

1           26.     Please produce Defendants' communications with Jamie Aburto (including but not  
2 limited to documents related to Wheeler's purchase of Jaime Aburto's house) from August 20, 2018  
3 until the present.  
4

5           RESPONSE:

6           **Objection. Overbroad, unduly burdensome, harassing. Documents regarding the**  
7 **private transaction between Defendant Wheeler and Jamie Aburto have no bearing on any**  
8 **issue in this lawsuit, the Complaint contains no allegations pertaining to Mr. Aburto, and**  
9 **Plaintiff has utterly failed to explain how any such documents might be reasonably calculated**  
10 **to lead to the discovery of admissible evidence in this case. Further, such a request should be**  
11 **made directly to Defendant Wheeler, not to Lone Warrior/Defendant James.**  
12  
13

14           **Notwithstanding the foregoing objections, and without waiver of same: attached.**  
15

16           27.     Please produce Defendants' communications with Jaime Aburto relating Defendants'  
17 Tobacco Products Business.  
18

19           RESPONSE:

20           **Objection, vague, overbroad. The definition of "Tobacco Products Business" is**  
21 **inherently overbroad and potentially captures aspects of Defendants' business unrelated to**  
22 **this lawsuit. To the extent that Plaintiff is seeking records that are unrelated to the claims**  
23 **asserted in the Complaint, have no relation to the time-period specified by Plaintiff, and go**  
24 **beyond the scope of discovery, no such records will be produced. To the extent such**  
25  
26

1 information may be produced, it is subject to the confidential designation under the current  
2 stipulated protective order, and may require Attorney's Eyes Only Designation.

3       **Notwithstanding the foregoing objections, and without waiver of same: see attached.**  
4

5  
6  
7       28. Please produce those documents evidencing Defendants' purchase, ownership, or  
8 control of any machines to manufacture cigarettes, but not limited to any proof of payment, Contracts  
9 for purchase, receipts, bills of landing, purchase orders, shipping records, and invoices.  
10

11       RESPONSE:

12       **See attached.**  
13  
14

15       29. Please produce documents evidencing Defendants' sales, royalties, consulting  
16 payments, or any other payments Defendants' received relating to Tobacco Products or their  
17 Tobacco Products Business.  
18

19       RESPONSE:

20       **Objection, overbroad, unduly burdensome, harassing. Defendants are not subject to a**  
21 **noncompetition restriction, and nothing in Plaintiff's allegations precludes Defendants from**  
22 **engaging in a competitive business. In addition, the definition of "Tobacco Products Business"**  
23 **is inherently overbroad and potentially captures aspects of Defendants' business unrelated to**  
24 **this lawsuit. Plaintiffs may not use this litigation as a guise to obtain confidential and**  
25  
26

1 proprietary information which could be used by KMT to obtain an unfair competitive  
2 advantage against LWH. To the extent that Plaintiff is seeking records that are unrelated to  
3 the claims asserted in the Complaint, have no relation to the time-period specified by Plaintiff,  
4 and go beyond the scope of discovery, no such records will be produced. To the extent such  
5 information may be produced, it is subject to the confidential designation under the current  
6 stipulated protective order, and may require Attorney's Eyes Only Designation.  
7

8  
9 Notwithstanding the foregoing objections, and without waiver of same: see attached.  
10  
11

12  
13 30. Please produce Defendants' communications with Yakima Valley Transportation  
14 LLC (including but not limited to Antonio Serrano) relating to Tobacco Products (including the  
15 shipment thereof) or a machine to manufacture cigarettes (including the shipment thereof).  
16

17 RESPONSE:

18 Objection, overbroad, unduly burdensome, harassing. n addition, the definition of  
19 "Tobacco Products" is inherently overbroad and potentially captures aspects of Defendants'  
20 business unrelated to this lawsuit. Plaintiffs may not use this litigation as a guise to obtain  
21 confidential and proprietary information which could be used by KMT to obtain an unfair  
22 competitive advantage against LWH. To the extent that Plaintiff is seeking records that are  
23 unrelated to the claims asserted in the Complaint, have no relation to the time-period specified  
24 by Plaintiff, and go beyond the scope of discovery, no such records will be produced. To the  
25  
26

1 extent such information may be produced, it is subject to the confidential designation under  
2 the current stipulated protective order, and may require Attorney's Eyes Only Designation.

3       **Notwithstanding the foregoing objections, and without waiver of same: see attached.**  
4

5  
6       31. Please produce those documents (including invoices and task orders) evidencing any  
7 payments related to Tobacco Products or Defendants' Tobacco Products Business (including  
8 documents relating to the sale, licensing fee, royalty fee, consulting payments, or any other payment).  
9

10       **RESPONSE:**

11       **Objection, overbroad, unduly burdensome. Defendants are not subject to a**  
12 **noncompetition restriction, and nothing in Plaintiff's allegations precludes Defendants from**  
13 **engaging in a competitive business. In addition, the definition of "Tobacco Products Business"**  
14 **is inherently overbroad and potentially captures aspects of Defendants' business unrelated to**  
15 **this lawsuit. Plaintiffs may not use this litigation as a guise to obtain confidential and**  
16 **proprietary information which could be used by KMT to obtain an unfair competitive**  
17 **advantage against LWH. To the extent that Plaintiff is seeking records that are unrelated to**  
18 **the claims asserted in the Complaint, have no relation to the time-period specified by Plaintiff,**  
19 **and go beyond the scope of discovery, no such records will be produced. To the extent such**  
20 **information may be produced, it is subject to the confidential designation under the current**  
21 **stipulated protective order, and may require Attorney's Eyes Only Designation.**  
22

23       **Notwithstanding the foregoing objections, and without waiver of same: see attached.**  
24  
25  
26

1  
2 32. Please produce those documents evidencing the purchase orders, task orders, receipts,  
3 shipping records, and bills of lading relating to Defendants' Tobacco Products Business.  
4

5 RESPONSE:

6 **Objection, overbroad, unduly burdensome. Defendants are not subject to a**  
7 **noncompetition restriction, and nothing in Plaintiff's allegations precludes Defendants from**  
8 **engaging in a competitive business. In addition, the definition of "Tobacco Products Business"**  
9 **is inherently overbroad and potentially captures aspects of Defendants' business unrelated to**  
10 **this lawsuit. Plaintiffs may not use this litigation as a guise to obtain confidential and**  
11 **proprietary information which could be used by KMT to obtain an unfair competitive**  
12 **advantage against LWH. To the extent that Plaintiff is seeking records that are unrelated to**  
13 **the claims asserted in the Complaint, have no relation to the time-period specified by Plaintiff,**  
14 **and go beyond the scope of discovery, no such records will be produced. To the extent such**  
15 **information may be produced, it is subject to the confidential designation under the current**  
16 **stipulated protective order, and may require Attorney's Eyes Only Designation.**  
17  
18  
19

20 **Notwithstanding the foregoing objections, and without waiver of same: see attached.**  
21  
22  
23  
24

25 33. Please produce Defendants' communications relating to Lone Warrior or any  
26

1 Tobacco Products Business not involving King Mountain prior to August 20, 2018.

2 RESPONSE:

3  
4 **Objection, overbroad, vague. The definition of “Tobacco Products Business” is**  
5 **inherently overbroad and potentially captures aspects of Defendants’ business unrelated to**  
6 **this lawsuit. In addition, communications with “any” Tobacco Products Business is inherently**  
7 **overbroad in the scope of which businesses and subject matters might be captured (e.g.,**  
8 **personal receipts between Defendant and a grocery store which engages in the incidental sale**  
9 **of tobacco products).**

10  
11 **Notwithstanding the foregoing objections, and without waiver of same: see attached.**

12  
13  
14 34. Please produce those documents evidencing any marketing by Defendants for their  
15 Tobacco Product Business, including but not limited to marketing materials for the Mountain  
16 Heritage, Rainier, Chieftain, or Yakama.

17  
18 RESPONSE:

19 **Objection, Defendants are not subject to a noncompetition restriction, and nothing in**  
20 **Plaintiff’s allegations precludes Defendants from engaging in a competitive business. Plaintiff**  
21 **may not use this litigation as a guise to obtain confidential and proprietary information which**  
22 **could be used by KMT to obtain an unfair competitive advantage against LWH. To the extent**  
23 **that Plaintiff is seeking records that are unrelated to the claims asserted in the Complaint, have**  
24 **no relation to the time-period specified by Plaintiff, and go beyond the scope of discovery, no**  
25  
26



1 such records will be produced. To the extent such information may be produced, it is subject  
2 to the confidential designation under the current stipulated protective order, and may require  
3 Attorney's Eyes Only Designation.  
4

5 Notwithstanding the foregoing objections, and without waiver of same: see attached.  
6

7 35. Please produce Defendants' communications with the Puyallup Tribe (or any  
8 Affiliated Person thereof) relating to Tobacco Products or the Tobacco Products Business.  
9

10 RESPONSE:

11 Objection, vague, overbroad, unduly burdensome. Defendants are not subject to a  
12 noncompetition restriction, and nothing in Plaintiff's allegations precludes Defendants from  
13 engaging in a competitive business. Plaintiff makes no allegations pertaining to the Puyallup  
14 tribe in its complaint, nor does Plaintiff attempt to explain how such documents are potentially  
15 relevant to any claim or defense in this suit. Plaintiffs may not use this litigation as a guise to  
16 obtain confidential and proprietary information which could be used by KMT to obtain an  
17 unfair competitive advantage against LWH. To the extent that Plaintiff is seeking records that  
18 are unrelated to the claims asserted in the Complaint, have no relation to the time-period  
19 specified by Plaintiff, and go beyond the scope of discovery, no such records will be produced.  
20 To the extent such information may be produced, it is subject to the confidential designation  
21 under the current stipulated protective order, and may require Attorney's Eyes Only  
22 Designation.  
23  
24  
25  
26

1           **In addition, the definition of “Tobacco Products Business” is inherently overbroad and**  
2 **potentially captures aspects of Defendants’ business unrelated to this lawsuit. Again, to the**  
3 **extent such information may be produced, it is subject to the confidential designation under**  
4 **the current stipulated protective order, and may require Attorney’s Eyes Only Designation.**

5  
6           **Notwithstanding the foregoing objections, and without waiver of same: see attached.**  
7  
8  
9

10           36. Please produce Defendants’ communications with any entity that was, as of August  
11 20, 2018, an existing customer of King Mountain’s Tobacco Products from August 20, 2018 to the  
12 present.  
13

14           **RESPONSE:**

15           **Objection, Defendants are not subject to a noncompetition restriction, and nothing in**  
16 **Plaintiff’s allegations precludes Defendants from engaging in a competitive business. Plaintiff**  
17 **may not use this litigation as a guise to obtain confidential and proprietary information which**  
18 **could be used by KMT to obtain an unfair competitive advantage against LWH. To the extent**  
19 **that Plaintiff is seeking records that are unrelated to the claims asserted in the Complaint, have**  
20 **no relation to the time-period specified by Plaintiff, and go beyond the scope of discovery, no**  
21 **such records will be produced. To the extent such information may be produced, it is subject**  
22 **to the confidential designation under the current stipulated protective order, and may require**  
23 **Attorney’s Eyes Only Designation.**  
24  
25  
26

1           **Notwithstanding the foregoing objections, and without waiver of same: see attached.**

2  
3  
4  
5           37.     Please produce those documents relating to your interrogatory responses.

6           RESPONSE:

7           **Objection, overbroad, duplicative.**

8           **Notwithstanding the foregoing objections, and without waiver of same: attached.**

9  
10  
11           38.     Please produce those documents related to your denial (or otherwise non-admission)  
12 of the following paragraphs of the Complaint:

- 13  
14           a.     Paragraph 4.8  
15           b.     Paragraph 4.15  
16           c.     Paragraph 4.16  
17           d.     Paragraphs 4.17-4.18  
18           e.     Paragraphs 4.19-4.21  
19           f.     Paragraph 4.23  
20           g.     Paragraph 4.39  
21           h.     Paragraph 4.40  
22           i.     Paragraph 4.41  
23           j.     Paragraph 4.42-4.50  
24  
25  
26

- k. Paragraph 4.72
- l. Paragraph 4.73-4.75
- m. Paragraph 4.76
- n. Paragraph 4.78
- o. Paragraph 4.80
- p. Paragraph 4.83
- q. Paragraph 4.84
- r. Paragraph 5.4
- s. Paragraph 6.3
- t. Paragraph 6.4
- u. Paragraphs 6.6-6.7
- v. Paragraph 7.2
- w. Paragraph 8.1-8.2
- x. Paragraph 12.6
- y. Paragraph 15.2
- z. Paragraph 16.2

RESPONSE:

**Defendants object that this request constitutes an impermissible attempt to require Defendants to “put on a dress rehearsal of the trial,” and an improper request to Defendant to**

1 “state evidence upon which he intends to rely to prove any fact or facts.” *See Weber v. Biddle*,  
2 72 Wn.2d 22, 29 (1967).

3  
4 Defendants further object to this request for production as premature contention  
5 interrogatory. Contention discovery is properly reserved for use towards the end of the  
6 discovery period, and discovery into the issues presented in Plaintiff’s complaint is ongoing.  
7 *See In re Convergent Technologies Securities Litigation*, 108 F.R.D. 328, *passim* (N.D. Cal. Oct.  
8 28, 1985).

9  
10 Notwithstanding the foregoing objections, and without waiver of same: see attached.  
11 Discovery is ongoing and continuous. This answer will be supplemented as necessary.

12  
13 39. Please produce those documents relating to the following paragraphs of your  
14 Counterclaims:

- 15 a. Paragraph 33
- 16 b. Paragraph 43
- 17 c. Paragraph 44
- 18 d. Paragraph 45
- 19 e. Paragraph 48

20  
21 RESPONSE:

22  
23 Defendants object that this request constitutes an impermissible attempt to require  
24 Defendants to “put on a dress rehearsal of the trial,” and an improper request to Defendant to  
25  
26

1 “state evidence upon which he intends to rely to prove any fact or facts.” *See Weber v. Biddle*,  
2 72 Wn.2d 22, 29 (1967).

3  
4 Defendants further object to this request for production as premature contention  
5 interrogatory. Contention discovery is properly reserved for use towards the end of the  
6 discovery period, and discovery into the issues presented in Plaintiff’s complaint is ongoing.  
7 *See In re Convergent Technologies Securities Litigation*, 108 F.R.D. 328, *passim* (N.D. Cal. Oct.  
8 28, 1985).

9  
10 Notwithstanding the foregoing objections, and without waiver of same: see attached.  
11 Discovery is ongoing and continuous. This answer will be supplemented as necessary.

12  
13  
14  
15 40. Please produce Defendants’ communications (including any communication where  
16 you disparage or threaten any agent, consultant, attorney, or employee of King Mountain) between  
17 Defendants and King Mountain (including any employees, consultants, and agents of King  
18 Mountain) from August 20, 2018 until the present.

19  
20 RESPONSE:

21  
22 Objection, harassing and misleading. Defendants object to any mischaracterization that  
23 they “disparage[d] or threaten[ed] any agent, consultant, attorney, or employee of King  
24 Mountain.”

1           **Notwithstanding the foregoing objections, and without waiver of same: Defendant is**  
2 **not aware of any responsive communication.**  
3

4  
5           41.     Please produce communications with all King Mountain customers and prospective  
6 customers.

7           **RESPONSE:**  
8

9           **Objection, vague, overbroad, unduly burdensome. In non-exclusive example,**  
10 **“prospective” customers is not defined. Any potential customer for tobacco products in the**  
11 **open marketplace is a “prospective” customer of KMT, even if that “potential customer” never**  
12 **once interacted with KMT in any way. Defendants are not subject to a noncompetition**  
13 **restriction, and nothing in Plaintiff’s allegations precludes Defendants from engaging in a**  
14 **competitive business. Plaintiffs may not use this litigation as a guise to obtain customer lists**  
15 **and other confidential information. To the extent such information may be produced, it is**  
16 **subject to the confidential designation under the current stipulated protective order, and may**  
17 **require Attorney’s Eyes Only Designation.**  
18

19  
20           **In addition, this request lacks any temporal limitations, nor does it distinguish between**  
21 **“current” and “former” customers of KMT. Notwithstanding the foregoing objections, and**  
22 **without waiver of same: see attached.**  
23  
24  
25  
26

**I. GENERAL DEFINITIONS**

A. The term “document” means all written or graphic matter, however produced, or reproduced, of every kind and description in your actual or constructive possession, custody, care or control. This includes the complete original (or complete copy if the original is not available) and each non-identical copy regardless of origin or location, including drafts. “Document” is intended to have the same meaning as in CR 34, including, without limitation: writings, correspondence, electronic mail (e-mail) messages, Internet messages, text messages, instant messages, web pages, voicemails, information on Blackberry, iPhone, Android, Palm™ Pilots, iPads, or similar handheld digital assistants, smart phones, facsimiles, books, pamphlets, periodicals, reports, blueprints, sketches, laser discs, magnetic discs, magnetic strips, microfiche, invoices, statements, minutes, purchase orders, contracts, vouchers, checks, charge slips, expense account reports, hotel charges, receipts, working papers, memoranda, messages, notes, envelopes, business records, financial statements, agreements, leases, drawings, graphs, charts, drafts, maps, surveys, plats, statistical records, cost sheets, calendars, appointment books, diaries, time sheets or logs, telephone records or logs, facsimile logs, photographs, sound tapes or recordings, films, tapes, computer printouts and any other data, including without limitation, data stored electronically or by other technical means for use with computers or otherwise from which information can be obtained or translated through detection devices into reasonable usable form, or any other tangible thing that constitutes or contains matters contained within the scope of CR 26(b)(1). Documents should be produced in their native form.



1 Please note that documents may appear to have been “deleted” from a desktop computer; however,  
2 they are not necessarily irretrievable.

3  
4 B. The term “communication” shall include every means or manner of meeting,  
5 telephone call, conversation, letter, email, text messages, posting on social media, memorandum,  
6 voicemail, document, notes or logs documenting communications, or other form of communication,  
7 whether verbal or nonverbal.

8  
9 C. The phrases “identify” or “describe” mean to set out every aspect of every fact,  
10 circumstance, act, omission, or course of conduct known to the party to whom these requests are  
11 directed and relating in any way to the matter inquired about, including, without limitation, the date  
12 and place thereof, the identity of each person present thereat, connected therewith, or who has  
13 knowledge thereof, the identity of all writings relevant thereto, and if anything was said by any  
14 person, the identity of each such person and each such oral statement, and, if the oral statement in  
15 whole or in part constituted or was contained or reported, summarized, or referred to in any writing,  
16 the identity of each such writing.

17  
18  
19 D. The words “concerning” (and its variations), “regarding” (and its variations) and  
20 “relating” (and its variations) and “referring” and “reflecting” are used in their broadest sense and  
21 mean constituting, defining, containing, embodying, identifying, stating, supporting, concerning,  
22 dealing with, or in any way pertaining to.

23  
24 E. The term “King Mountain” shall mean plaintiff King Mountain Tobacco Company,  
25 Inc.; the term “Lone Warrior” defendant Lone Warrior Holdings, Inc., including any Affiliated  
26

1 Persons; the term “Wheeler” means defendant Kamiakin Wheeler, including any Affiliated Persons  
2 (including any entities owned or controlled by Wheeler); the term “James” means defendant Kanim  
3 James, and any Affiliated Persons; and the term “Defendants” means defendants Lone Warrior,  
4 Wheeler, and James.  
5

6 F. The term “SIRCO” shall mean the Susanville Indian Rancheria Corporation (as  
7 referenced in paragraph 4.13 of the Complaint) and shall include all Affiliated Persons; the term  
8 “Diamond Mountain Manufacturing” shall mean Diamond Mountain Manufacturing, LLC (as  
9 referenced in paragraph 4.13 of the Complaint) and shall include all Affiliated Persons; and the term  
10 “Diamond Mountain Distributing” shall mean Diamond Mountain Distributing, an affiliated entity  
11 with SIRCO and Diamond Mountain Manufacturing and shall include all Affiliated Persons.  
12  
13

14 G. The term “Jacobs” shall mean Jacobs Tobacco Company (as referenced in paragraph  
15 4.23 of the Complaint) and shall include all Affiliated Persons.  
16

17 H. The term “ERW” shall mean ERW Enterprises, Inc., ERW Wholesale, Iroquois  
18 Wholesale, or Eric R. White (including any Affiliated Person of these persons).  
19

20 I. The term “Contracts” shall be given the broadest meaning possible, and refer to any  
21 agreement (whether written or oral).  
22

23 J. The term “Tobacco Product” shall be given the broadest meaning possible, including  
24 but not limited to cigarettes, tobacco for use in rolled cigarettes, and any other product containing  
25 tobacco.  
26

1 K. The term “Tobacco Product Business” means any business involved in Tobacco  
2 Products, including but not limited through the sale of Tobacco Products, distribution of Tobacco  
3 Products, licensing of Tobacco Products, marketing of Tobacco Products, or consulting with respect  
4 to any aspect of Tobacco Products.  
5

6 L. The term “person” is defined as any natural person or any legal entity, including,  
7 without limitation, any business or governmental entity or association.  
8

9 M. The terms “all,” “any,” and “each” shall each be construed as encompassing any and  
10 all.  
11

12 N. The connectives “and” and “or” shall be construed either disjunctively or  
13 conjunctively as necessary to bring within the scope of the discovery request all responses that might  
14 otherwise be construed to be outside of its scope.

15 O. The use of the word “including” shall not be interpreted as a limitation and, instead,  
16 shall be interpreted as “including but not limited to.”  
17

18 P. The use of the singular form of any word includes the plural and vice versa.

19 Q. The term “Affiliated Person” includes all employees, consultants, agents,  
20 representatives, entities, subsidiaries, parents, or other persons acting by or on your or a person’s  
21 behalf.  
22  
23  
24  
25  
26

1 **II. INSTRUCTIONS WITH RESPECT TO INTERROGATORIES**

2 A. Pursuant to CR 26 and 33, you are requested and required, within thirty (30) days after  
3 service of these Interrogatories, to serve upon Curt Roy Hinline, Baker & Hostetler LLP, 999 Third  
4 Avenue, Suite 3600, Seattle, WA 98104, answers or objections to the Interrogatories propounded in  
5 the manner, substance, and form provided for in CR 33.  
6

7 B. If you are unable to answer the Interrogatories completely, please so state and answer  
8 to the extent possible, setting forth the reasons for your inability to answer more fully, and state  
9 whatever knowledge or information you do in fact have concerning the unanswered portion(s).  
10

11 C. Whenever you are asked the identity of or to identify a person or entity, and whenever  
12 an answer to an Interrogatory contains a reference to a person or entity, please state with respect to  
13 each such person:  
14

- 15 1. Its, his or her name and contact information including current and former residence  
16 addresses, telephone numbers, and emails;
- 17 2. Its, his or her current business affiliation and titles;
- 18 3. Its, his or her current and past business addresses; and
- 19 4. the business affiliation, business address, and the current title of such person or  
20 entity with respect to the business, organization, or entity with which he or she  
21 was associated and the capacity in which he or she acted in connection with the  
22 subject matter of these interrogatories.  
23  
24  
25  
26

1 D. Whenever you are asked the identity of or to identify a document, and whenever you  
2 refer to a document, or whenever the answer to an Interrogatory contains a reference to a document,  
3 please append a copy of the document to your answers to these Interrogatories. If you are unwilling  
4 to do so, with respect to each document, please state the following:  
5

- 6 1. its nature (*e.g.*, letter, memorandum, photograph, etc.);
- 7 2. its title or designation;
- 8 3. the date it bears;
- 9 4. the name, title, business affiliation, and business address of the person preparing  
10 it and the person executing it;
- 11 5. a statement of the subject and substance of the document;
- 12 6. a precise description of the place where such document is presently kept,  
13 including:
  - 14 a. the title or the description of the file in which such document would be  
15 found, and
  - 16 b. the exact location of such file;
- 17 7. the name, title, business affiliation, and business address of each person who  
18 presently has custody of such document; and
- 19 8. whether you claim any privilege as to such document and, if so, a precise  
20 statement of the facts upon which said claim of privilege is based.  
21  
22  
23  
24  
25  
26

1 E. Unless otherwise stated, the time period for these discovery requests is July 1, 2016  
2 until the present.

3 F. Unless otherwise stated, each interrogatory is directed towards each Defendant. Each  
4 Defendant shall provide his or its own answer and verification.  
5

6 **III. INSTRUCTIONS WITH RESPECT TO REQUESTS FOR PRODUCTION**

7 A. Pursuant to CR 26 and 34, the requested documents and things should be served no  
8 later than thirty (30) days after service hereof. Please deliver the requested documents and things to  
9 Curt Roy Hine, Baker Hostetler LLP, 999 Third Avenue, Suite 3600, Seattle, WA 98104.  
10

11 B. You are requested to produce all documents as they are kept in their native form in the  
12 ordinary course of business, with any identifying labels, file markings, or similar identifying features.  
13

14 C. If any portion of a document is responsive, produce the entire document.

15 D. If there are no documents responsive to any particular request, state so in writing.

16 E. If any document is withheld from production on the ground of privilege: (1) identify  
17 the nature of the privilege (including work product) which is being claimed; and (2) provide the  
18 following: (i) the type of document, *e.g.*, letter or memorandum; (ii) the general subject matter of the  
19 document; (iii) the date of the document; and (iv) such other information as is sufficient to identify  
20 the document for a subpoena *duces tecum*, including, where appropriate, the author of the document,  
21 the addressee(s) of the document, and any other recipient(s) shown in the document, and, where not  
22 apparent, the relationship of the author, addressee(s), and recipient(s) to each other.  
23  
24  
25  
26

1 F. If any document called for in any of the Requests for Production has been destroyed,  
2 lost, misplaced, stolen, or for some other reason is no longer within your custody or control, please  
3 provide the following: (i) the type of document, e.g., letter or memorandum; (ii) the general subject  
4 matter of the document; (iii) the date of the document; (iv) the names and addresses of all persons or  
5 entities that received a copy of the document; (v) to the best of your recollection, a summary of the  
6 information, in as much detail as possible, contained in the document, (vi) the reason for the  
7 destruction, loss, misplacement, theft, or other explanation by which the document is no longer in  
8 your possession, custody, or control, and (vii) whether any other document exists that pertains to or  
9 references the destroyed, lost, misplaced, stolen, or otherwise missing document.  
10  
11

12 G. Unless otherwise stated, the time period for these discovery requests is July 1, 2016  
13 until the present.  
14

15 H. Unless otherwise stated, each request for production is directed towards each  
16 Defendant.  
17

#### 18 IV. DUTY TO SUPPLEMENT RESPONSES

19 CR 26(e) imposes upon you an affirmative duty to supplement any of your responses to the  
20 foregoing discovery requests in the event that you should subsequently discover that any of your  
21 responses are incorrect, incomplete, misleading, or no longer correct, or in the event you acquire  
22 access to any documents, things, or information prior to the time of the trial that would make any of  
23 your initial Answers and Response to any of these discovery requests incorrect, misleading, or  
24 incomplete in light of such additional documents, things, or information.  
25  
26

1 DATED this 11<sup>th</sup> day of March, 2020.

2 Respectfully submitted,

3 **BAKER & HOSTETLER LLP**

4  
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22 *Pro Hac Attorneys for Plaintiff*



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*[Signature]*

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**DECLARATION OF SERVICE**

Mark A. Washburn, under penalty of perjury under the laws of the State of Washington, hereby declares that on this 27<sup>th</sup> day of May, 2020, I caused a copy of the foregoing document to be delivered via e-mail to the following attorneys of record:

Paul M. Levine  
Marc Antonetti  
Curt Roy Hinline  
BAKER & HOSTETLER LLP  
999 Third Avenue, Suite 3600  
Seattle, WA 98104-4040

DATED and SIGNED this 27<sup>th</sup> day of May 2020, at Seattle, Washington.

s/Mark A. Washburn  
MARK WASHBURN  
Paralegal